

# **JOURNAL OF THE HOUSE**

## **NINETY-FIRST SESSION**

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TWENTIETH DAY

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STATE OF SOUTH DAKOTA  
House of Representatives, Pierre  
Thursday, February 11, 2016

The House convened at 1:00 p.m., pursuant to adjournment, the Speaker Pro tempore presiding.

The prayer was offered by the Chaplain, Father Joe Holzhauser, followed by the Pledge of Allegiance led by House pages Matdalynn Buffington and Megan Thornhill.

Roll Call: All members present except Reps. Kaiser and Novstrup who were excused.

### **APPROVAL OF THE JOURNAL**

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the nineteenth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,  
Dean Wink, Chair

Which motion prevailed.

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1 Also MR. SPEAKER:

2 The Joint Committee on Appropriations respectfully reports that it has had under  
3 consideration HB 1201 and returns the same with the recommendation that said bill be amended  
4 as follows:

5 1201aa

6 On page 1, between lines 3 and 4 of the printed bill, insert:

7 " Section 1. That section 17 of chapter 31 of the 2015 Session Laws be amended to read:

8 DEPARTMENT OF CORRECTIONS

9 (8) Juvenile Community Corrections

10 Operating Expenses, General Funds, delete "\$12,776,370" and insert ""\$12,526,370"

11 Adjust all totals accordingly.".

12 1201ata

13 On page 1, line 1, of the printed bill, after "Act to" insert "revise the General  
14 Appropriations Act for fiscal year 2016,".

15 On page 1, line 2, after "Dakota" insert ",",.

16 And that as so amended said bill do pass.

17 Also MR. SPEAKER:

18 The Joint Committee on Appropriations respectfully reports that it has had under  
19 consideration HB 1235 which was tabled.

20 Respectfully submitted,  
21 Justin R. Cronin, Co-Chair

22 Also MR. SPEAKER:

23 The Committee on Taxation respectfully reports that it has had under consideration  
24 HB 1116 and returns the same with the recommendation that said bill do pass.

1 Also MR. SPEAKER:

2 The Committee on Taxation respectfully reports that it has had under consideration HB  
3 1173, 1174, 1175, and 1176 which were deferred to the 41<sup>st</sup> Legislative Day.

4 Respectfully submitted,  
5 Roger D. Solum, Chair

6 Also MR. SPEAKER:

7 The Committee on Agriculture and Natural Resources respectfully reports that it has had  
8 under consideration HB 1197, 1199, and 1200 which were deferred to the 41<sup>st</sup> Legislative Day.

9 Respectfully submitted,  
10 Lee Qualm, Chair

11 Also MR. SPEAKER:

12 The Committee on Transportation respectfully reports that it has had under consideration  
13 SB 34 and returns the same with the recommendation that said bill do pass.

14 Also MR. SPEAKER:

15 The Committee on Transportation respectfully reports that it has had under consideration  
16 HB 1231 which was tabled.

17 Also MR. SPEAKER:

18 The Committee on Transportation respectfully reports that it has had under consideration  
19 HB 1114 which was deferred to the 41<sup>st</sup> Legislative Day.

20 Respectfully submitted,  
21 Mike Verchio, Chair

22 **MESSAGES FROM THE SENATE**

23 MR. SPEAKER:

24 I have the honor to return herewith HB 1011, 1031, and 1084 which have passed the Senate  
25 without change.

1 Also MR. SPEAKER:

2 I have the honor to return herewith HCR 1008 in which the Senate has concurred.

3 Also MR. SPEAKER:

4 I have the honor to inform your honorable body that the Senate has concurred in House  
5 amendments to SB 20.

6 Also MR. SPEAKER:

7 I have the honor to transmit herewith SB 66, 104, 130, and 138 which have passed the  
8 Senate and your favorable consideration is respectfully requested.

9 Respectfully,  
10 Kay Johnson, Secretary

11 **MOTIONS AND RESOLUTIONS**

12 HCR 1013 Introduced by: Representatives Hawley, Anderson, Bartling, Beal, Bolin,  
13 Bordeaux, Conzet, Craig, Cronin, Deutsch, DiSanto, Dryden, Duvall, Feickert, Gibson, Haggard  
14 (Don), Harrison, Haugaard, Hawks, Hunt, Jensen (Alex), Kirschman, Klumb, Langer,  
15 McCleerey, Mickelson, Munsterman, Otten (Herman), Peterson (Kent), Qualm, Rasmussen,  
16 Ring, Romkema, Rounds, Schoenbeck, Schoenfish, Schrempp, Sly, Soli, Solum, Stalzer,  
17 Steinhauer, Stevens, Tulson, Verchio, Westra, Wiik, Willadsen, Wink, Wollmann, and Zikmund  
18 and Senators Cammack, Bradford, Brown, Buhl O'Donnell, Ewing, Fiegen, Frerichs, Haggard  
19 (Jenna), Haverly, Heineman (Phyllis), Heinert, Holien, Hunhoff (Bernie), Jensen (Phil), Monroe,  
20 Novstrup (David), Olson, Otten (Ernie), Parsley, Peterson (Jim), Rampelberg, Shorma, Solano,  
21 Sutton, Tidemann, and White

22 A CONCURRENT RESOLUTION, Recognizing the positive economic impact sportsmen and  
23 women have in South Dakota.

24 WHEREAS, as a result of over a century of responsible stewardship by sportsmen and  
25 women, South Dakota is home to bountiful fish and wildlife populations that provide its citizens  
26 and visitors with unrivaled opportunities for sporting, recreation, and commerce while also  
27 sustaining a quality of life; and

28 WHEREAS, through the continued purchases of hunting and fishing licenses, resident and  
29 nonresident hunters, anglers, recreational shooters, and trappers continue to be the chief  
30 supporters of South Dakota's fish and wildlife resources, while also providing critical funds for  
31 the South Dakota Department of Game, Fish and Parks' efforts to provide for healthy and  
32 abundant fish and wildlife populations for future generations; and

1 WHEREAS, the over one billion dollars spent by sportsmen and women in South Dakota  
2 on equipment, travel, leases, licenses, and lodging supports nearly fifteen thousand jobs, making  
3 them a critical component of the state's economy; and

4 WHEREAS, spending by sportsmen and women in South Dakota generates over eighty  
5 million dollars in state and local taxes, supporting vital public services in communities across  
6 the state; and

7 WHEREAS, sportsmen and women in South Dakota contribute to the Wildlife and Sport  
8 Fish Restoration Program that began with the passage of the Federal Aid in Wildlife Restoration  
9 Act in 1937, was bolstered with the passage of the Federal Aid in Sport Fish Restoration Act  
10 in 1950, and was further expanded with the Wallop-Breaux amendment to the Sport Fish  
11 Restoration Act in 1984; and

12 WHEREAS, as provided in the Wildlife and Sport Fish Restoration Program, the  
13 manufacturers of firearms, ammunition, hunting, fishing, and boating equipment collect excise  
14 taxes on firearms, ammunition, archery equipment, manufactured fishing tackle, electric trolling  
15 motors, marine electronics, and motorboat fuel and distribute these funds to the states through  
16 the United States Fish and Wildlife Service; and

17 WHEREAS, the combined contribution of the Wildlife and Sport Fish Restoration Programs  
18 and license fees to state fish and wildlife agencies nationwide has exceeded \$56.9 billion since  
19 1939, more than any other single conservation effort in American history; and

20 WHEREAS, South Dakota has received \$243,059,609 through the Wildlife and Sport Fish  
21 Restoration Programs since 1939 which has been used to protect and enhance fish and wildlife  
22 populations; and

23 WHEREAS, this cooperative partnership between industry, hunters, anglers, trappers,  
24 boaters, recreational shooters, the United States Fish and Wildlife Service, and the South Dakota  
25 Department of Game, Fish and Parks has resulted in the most successful model of fish and  
26 wildlife management in the world:

27 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Ninety-  
28 First Legislature of the State of South Dakota, the Senate concurring therein, that the Legislature  
29 recognizes sportsmen and women in South Dakota and the Department of Game, Fish and Parks  
30 for their leading role in enhancing populations of fish, wildlife, both game and nongame, and  
31 other natural resources, to the abundance we see today.

32 Was read the first time and the Speaker waived the committee referral.

33 Rep. Gosch moved that HB 1152 be referred from the Committee on Commerce and  
34 Energy to the Committee on Education.

35 Which motion prevailed.

1 Rep. Gosch moved that HB 1153 be referred from the Committee on State Affairs to the  
2 Committee on Judiciary.

3 Which motion prevailed.

4 **CONSIDERATION OF REPORTS OF COMMITTEES**

5 Rep. Gosch moved that the reports of the Standing Committees on  
6 State Affairs on HB 1214 as found on page 354 of the House Journal; also  
7 Education on HB 1189 as found on page 356 of the House Journal; also  
8 Commerce and Energy on HB 1121 as found on page 357 of the House Journal be adopted.

9 Which motion prevailed.

10 **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

11 SB 66: FOR AN ACT ENTITLED, An Act to permit the issuance of special license plates  
12 to parents of certain individuals

13 Was read the first time and referred to the Committee on Transportation.

14 SB 104: FOR AN ACT ENTITLED, An Act to set the time period for when an agency may  
15 promulgate rules.

16 Was read the first time and referred to the Committee on State Affairs.

17 SB 130: FOR AN ACT ENTITLED, An Act to require the processing of sexual assault  
18 exam kits.

19 Was read the first time and referred to the Committee on Judiciary.

20 SB 138: FOR AN ACT ENTITLED, An Act to authorize the construction of a nursing  
21 home facility in Rosebud, South Dakota.

22 Was read the first time and referred to the Committee on Health and Human Services.

1                   **SECOND READING OF CONSENT CALENDAR ITEMS**

2           Rep. Russell requested that HB 1118 be removed from the Consent Calendar.

3           Which request was granted.

4           HB 1163: FOR AN ACT ENTITLED, An Act to revise the periods of time during which  
5 veterans may use tuition benefits at institutions under the control of the Board of Regents.

6           Was read the second time.

7           The question being "Shall HB 1163 pass?"

8           And the roll being called:

9           Yeas 68, Nays 0, Excused 2, Absent 0

10          Yeas:

11 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Cronin;  
12 Deutsch; DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggard (Don);  
13 Harrison; Haugaard; Hawks; Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt;  
14 Jensen (Alex); Johns; Killer; Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey;  
15 Mickelson; Munsterman; Otten (Herman); Partridge; Peterson (Kent); Qualm; Rasmussen;  
16 Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenbeck; Schoenfish; Schrempp; Sly;  
17 Soli; Solum; Stalzer; Steinhauer; Stevens; Tulson; Verchio; Werner; Westra; Wiik; Willadsen;  
18 Wollmann; Zikmund; Speaker Wink

19          Excused:

20 Kaiser; Novstrup (Al)

21          So the bill having received an affirmative vote of a majority of the members-elect, the  
22 Speaker declared the bill passed and the title was agreed to.

23                   **SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

24          HB 1110: FOR AN ACT ENTITLED, An Act to provide medical care for certain unborn  
25 children.

26          Having had its second reading was up for consideration and final passage.



1 Rep. Gosch moved that HB 1110 be deferred to Tuesday, February 16, the 21<sup>st</sup> legislative  
2 day.

3 Which motion prevailed.

4 HB 1094: FOR AN ACT ENTITLED, An Act to increase the commercial fertilizer  
5 inspection fee for purposes of fertilizer-related research and education and to create the Nutrient  
6 Research and Education Council to promote such research and education.

7 Was read the second time.

8 Rep. Gosch moved that HB 1094 be deferred to Wednesday, February 17, the  
9 22<sup>nd</sup> legislative day.

10 Which motion prevailed.

11 HB 1081: FOR AN ACT ENTITLED, An Act to make an appropriation to fund tax refunds  
12 for elderly persons and persons with a disability, to revise the income eligibility requirements  
13 for property and sales tax refunds, and to declare an emergency.

14 Was read the second time.

15 The question being "Shall HB 1081 pass as amended?"

16 And the roll being called:

17 Yeas 68, Nays 0, Excused 2, Absent 0

18 Yeas:

19 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Cronin;  
20 Deutsch; DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggar (Don);  
21 Harrison; Haugaard; Hawks; Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt;  
22 Jensen (Alex); Johns; Killer; Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey;  
23 Mickelson; Munsterman; Otten (Herman); Partridge; Peterson (Kent); Qualm; Rasmussen;  
24 Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenbeck; Schoenfish; Schrempp; Sly;  
25 Soli; Solum; Stalzer; Steinhauer; Stevens; Tulson; Verchio; Werner; Westra; Wiik; Willadsen;  
26 Wollmann; Zikmund; Speaker Wink

27 Excused:

28 Kaiser; Novstrup (Al)

29 So the bill having received an affirmative vote of a two-thirds majority of the members-  
30 elect, the Speaker declared the bill passed and the title was agreed to.

1 HB 1170: FOR AN ACT ENTITLED, An Act to make an appropriation to reimburse  
2 certain eligible health care professionals who have complied with the requirements of the rural  
3 health care facility recruitment assistance program and to declare an emergency.

4 Was read the second time.

5 The question being "Shall HB 1170 pass as amended?"

6 And the roll being called:

7 Yeas 68, Nays 0, Excused 2, Absent 0

8 Yeas:

9 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Cronin;  
10 Deutsch; DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggar (Don);  
11 Harrison; Haugaard; Hawks; Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt;  
12 Jensen (Alex); Johns; Killer; Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey;  
13 Mickelson; Munsterman; Otten (Herman); Partridge; Peterson (Kent); Qualm; Rasmussen;  
14 Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenbeck; Schoenfish; Schrempp; Sly;  
15 Soli; Solum; Stalzer; Steinhauer; Stevens; Tulson; Verchio; Werner; Westra; Wiik; Willadsen;  
16 Wollmann; Zikmund; Speaker Wink

17 Excused:

18 Kaiser; Novstrup (Al)

19 So the bill having received an affirmative vote of a two-thirds majority of the members-  
20 elect, the Speaker declared the bill passed and the title was agreed to.

21 HB 1164: FOR AN ACT ENTITLED, An Act to provide for a special interest motor  
22 vehicle license plate for certain vehicles under certain conditions.

23 Was read the second time.

24 Rep. Gosch moved that HB 1164 be deferred to Tuesday, February 16, the 21<sup>st</sup> legislative  
25 day.

26 Which motion prevailed.

27 HB 1119: FOR AN ACT ENTITLED, An Act to revise the criteria for incorporation of a  
28 new municipality.

29 Was read the second time.

1 The question being "Shall HB 1119 pass as amended?"

2 And the roll being called:

3 Yeas 48, Nays 20, Excused 2, Absent 0

4 Yeas:

5 Anderson; Bartling; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Cronin; Deutsch;  
6 DiSanto; Dryden; Duvall; Gibson; Greenfield (Lana); Haggar (Don); Harrison; Hawks; Hawley;  
7 Heinemann (Leslie); Holmes; Hunhoff (Jean); Killer; Kirschman; Klumb; Latterell; Marty;  
8 May; McCleerey; Munsterman; Otten (Herman); Partridge; Peterson (Kent); Qualm; Ring;  
9 Rozum; Russell; Schaefer; Schoenbeck; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Wiik;  
10 Wollmann; Speaker Wink

11 Nays:

12 Beal; Feickert; Gosch; Haugaard; Hunt; Jensen (Alex); Johns; Langer; Mickelson; Rasmussen;  
13 Romkema; Rounds; Steinhauer; Stevens; Tulson; Verchio; Werner; Westra; Willadsen;  
14 Zikmund

15 Excused:

16 Kaiser; Novstrup (Al)

17 So the bill having received an affirmative vote of a majority of the members-elect, the  
18 Speaker declared the bill passed and the title was agreed to.

19 Rep. Gosch moved that the balance of the calendar including HB 1213 and SB 27, 28, 2,  
20 12, 13, 15, and 103 be deferred to Tuesday, February 16, the 21<sup>st</sup> legislative day.

21 Which motion prevailed.

22 There being no objection, the House reverted to Order of Business No. 5.

23 **REPORTS OF STANDING COMMITTEES**

24 MR. SPEAKER:

25 The Committee on Local Government respectfully reports that it has had under  
26 consideration HB 1140 and returns the same with the recommendation that said bill do pass.

1 Also MR. SPEAKER:

2 The Committee on Local Government respectfully reports that it has had under  
3 consideration HB 1127 and returns the same with the recommendation that said bill do pass and  
4 be placed on the consent calendar.

5 Also MR. SPEAKER:

6 The Committee on Local Government respectfully reports that it has had under  
7 consideration HB 1131 which was deferred to the 41<sup>st</sup> Legislative Day.

8 Respectfully submitted,  
9 Herman Otten, Vice-Chair

10 Also MR. SPEAKER:

11 The Committee on Legislative Procedure respectfully reports that HB 1036, 1037, and  
12 1058 were delivered to his Excellency, the Governor, for his approval at 11:20 a.m.,  
13 February 11, 2016.

14 Also MR. SPEAKER:

15 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing  
16 and Enrolling has carefully compared HB 1011, 1031, and 1084 and finds the same correctly  
17 enrolled.

18 Respectfully submitted,  
19 Dean Wink, Chair

20 Speaker Wink now presiding.

21 **SIGNING OF BILLS**

22 The Speaker publicly read the title to

23 HB 1011: FOR AN ACT ENTITLED, An Act to repeal certain obsolete and unnecessary  
24 statutes concerning game preserves and refuges.

25 HB 1031: FOR AN ACT ENTITLED, An Act to revise certain provisions pertaining to  
26 weights and measures.

7 Arlene Kvislen, Chief Clerk

